

NOTICE

Pursuant to Trial Rule 81(B) of the Indiana Rules of Trial Procedure, notice is given that the Perry Circuit Court proposes to adopt or amend its local rules. A copy of the newly revised/redrafted local rules are posted with this notice.

Comments concerning the newly revised or redrafted local rules will be received by the Perry Circuit Court and the Division of State Court Administration until May 2, 2005.

Comments to the Division of State Court Administration should be forwarded to:

Division of State Court Administration
115 West Washington Street
Suite 1080
Indianapolis, IN 46204
RE: Perry Circuit Court Proposed Local Rules

Comments to the Perry Circuit Court should be forwarded to:

Perry Circuit Court
ATTN: James A. McEntarfer, Judge
Courthouse Square
2219 Payne Street
Tell City, IN 47586
RE: Perry Circuit Court Proposed Local Rules

The newly revised or redrafted proposed local rules will be adopted, modified or rejected by the presiding Judge of the Perry Circuit Court no later than July 15, 2005, and the effective date of any proposed rules shall be January 1, 2006.

Respectfully submitted,

James A. McEntarfer, Judge
Perry Circuit Court

Copies: Division of State Court Administration
Clerk, Perry Circuit Court
All members of Perry County Bar Association

PERRY CIRCUIT COURT LOCAL RULES

LR62-CR00-1

The following bond schedule is to be used for persons arrested without a warrant and held in custody concerning a criminal charge in the Perry Circuit Court:

Class A Felony-\$200,000 surety or \$20,000 (10% cash deposit)
Class B Felony-\$100,000 surety or \$10,000 (10% cash deposit)
Class C Felony-\$ 40,000 surety or \$ 4,000 (10% cash deposit)
Class D Felony-\$ 15,000 surety or \$ 1,500 (10% cash deposit)

Class A Misdemeanor-\$6,000 surety or \$600 (10% cash deposit)
Class B Misdemeanor-\$3,000 surety or \$300 (10% cash deposit)
Class C Misdemeanor-\$2,000 surety or \$200 (10% cash deposit)

The ten percent (10%) cash deposit shall be subject to the provisions of I.C. 35-33-8-3.2.

Those persons charged with murder shall be held without bond.

Those persons charged with battery related to domestic or family violence or with invasion of privacy shall be held without bail:

1. Pending a judicial determination of probable cause within 48 hours of arrest, or
2. Until the initial hearing, whichever occurs first.

In order to ensure individualized determinations of bail and condition of release, the bail and any conditions may be reconsidered by the Court at the time probable cause is found or at the initial hearing.

LR62-CR00-2

In certain cases, a defendant in a criminal action may post a ten percent (10%) cash bond. After judgment of a fine, court costs, probation user fees, or other statutory fee(s) is entered in the prosecution of a cause in which a ten percent (10%) cash bond has been posted, the balance of the deposit, after deduction of the Clerk's ten percent (10%) administrative fee (the Clerk's administrative fee shall be 10% of the cash bond up to a maximum of \$50.00 and a minimum of \$10.00), may be applied to the payment of the judgment.

Deleted: LOCAL RULE NUMBER ONE

The Indiana Rules of Civil and Criminal Procedure as promulgated by the Indiana Supreme Court are hereby adopted by the Circuit Court of Perry County, Indiana, 70th Judicial Circuit.

Any conflict between these Local Rules and Indiana Trial Rules or Statutes of the State of Indiana shall be resolved in favor of the Indiana Trial Rules or applicable Statutes.

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If expenses for indigent attorneys' fees and other defense costs have been incurred, upon order of the Court, the Clerk shall pay the amount of such costs to the Supplemental Public Defender Fund.

LR62-CR2.2-3

The Perry Circuit Court is the only court of record for Perry County, Indiana. In the event a change of judge is granted or it becomes necessary to assign another judge for a felony or misdemeanor proceeding, the case shall be assigned to one of the following individuals on a rotating basis:

Honorable Edward Campbell, Senior Judge

Honorable Wayne A. Roell, Judge
Spencer Circuit Court

Honorable Edward Campbell, Senior Judge

Honorable William E. Weikert Judge
Dubois Circuit Court

Honorable Edward Campbell, Senior Judge

Honorable Elaine B. Brown, Judge
Dubois Superior Court

Honorable Edward Campbell, Senior Judge

Honorable Kenneth L. Lopp, Judge
Crawford Circuit Court

Honorable Edward Campbell, Senior Judge

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FOUR (Criminal)

Deleted: Howard Lytton

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FIVE (civil)¶
<#>¶
<#> .In the event a special
judge appointment becomes
necessary under Trial Rule
79(H), the case shall be
assigned to one of the
following individuals on a
rotating basis:¶
<#>¶
<#> . . . Honorable Hugo C.
Songer, Senior Judge¶
<#>¶
<#> . Honorable Wayne
Roell, Judge¶
<#> . Spencer Circuit Court¶
<#>¶
<#> . Honorable Hugo C.
Songer, Senior Judge¶
<#>¶
<#> . Honorable William
Weikert, Judge¶
<#> . Dubois Circuit Court¶
<#>¶
<#> . Honorable Hugo C.
Songer, Senior Judge¶
<#> ¶
<#> . Honorable Howard
Lytton, Judge¶
<#> . Dubois Superior
Court ¶
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<#>¶
<#> . Honorable Hugh C.
Songer, Senior Judge¶
<#> .¶
<#> . Honorable Kenneth L.
Lopp, Judge¶
<#> . Crawford Circuit
Court¶

LR62-CR00-4

A defendant: 1. who is found to have: a. committed a crime, b. violated a statute defining an infraction, c. violated an ordinance of a municipal corporation, or d. committed a delinquent act; 2. is required to pay: a. court costs, including fees, b. a fine or c. a civil penalty; 3. is not determined by the Court to be indigent; 4. and fails to pay to the Clerk the costs, fine, or civil penalty in full before the later of the following: a. the end of the business day on which the Court enters the

judgment, b. or the end of the period specified in the payment schedule set forth for the payment of court costs, fines, and civil penalties; shall pay to the Clerk of this Court a late payment fee of twenty-five dollars (\$25.00).

The Court may suspend a late payment fee if the Court finds that the Defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

LR62-TR5-5

Pleadings or papers filed by facsimile transmission will be accepted under the following circumstances:

- A. The party delivering pleadings or papers by facsimile transmission must have a machine capable of, and which does, include the name of the transmitter, date and time of transmission.
- B. No pleadings or papers required under the Indiana Rules of Procedure, statute, or any other applicable rules or statute to be verified will be accepted.
- C. No pleadings involving concurrent payment of costs or any other fees payable to the Clerk will be accepted.
- D. No pleadings filed after the normal hours of the Court will be accepted, unless specific arrangements have been made with the Court or Clerk. The date and time noted when received by the facsimile machine shall be controlling for purposes of Trial Rule 5(E).
- E. It is the responsibility of the attorney filing the pleadings to insure legibility and appropriateness of the pleadings under the Code of Professional Conduct and the Indiana Rules of Procedure.
- F. Nothing herein shall relieve any attorney of the responsibility for delivery of his pleadings.
- G. The telephone address for filing by facsimile is (812)-547-5424.

LR62-TR55-6

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LOCAL RULE NUMBER SIX¶

¶ Pursuant to Administrative Rule 15, the Perry Circuit Court hereby adopts the following local rule by which court reporter services shall be governed:¶

Section One - Definitions¶

¶ (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.¶

¶ (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephone, computer hardware, software programs, disks, tapes, and any other device used for recording, storing and transcribing electronic data.¶

¶ (3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.¶

¶ (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.¶

¶ (5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.¶

¶ (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. ¶

¶ (7) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours ... [1]

Deleted: LOCAL RULE NUMBER SEVEN

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Application for default judgment requesting an allowance of attorney's fees shall be accompanied by an affidavit executed by the attorney requesting the fee. The affidavit shall be in a form in substance which will enable the Court to determine the amount of a reasonable fee in such case. In the absence of an affidavit, the amount of the attorney's fee will be determined by the Court and may be nominal.

LR62-TR79-7

In the event a special judge appointment becomes necessary under Trial Rule 79(H), the case shall be assigned to one of the following individuals on a rotating basis:

Honorable Hugo C. Songer, Senior Judge

Honorable Wayne Roell, Judge
Spencer Circuit Court

Honorable Hugo C. Songer, Senior Judge

Honorable William E. Weikert, Judge
Dubois Circuit Court

Honorable Hugo C. Songer, Senior Judge

Honorable Elaine B. Brown, Judge
Dubois Superior Court

Honorable Hugh C. Songer, Senior Judge

Honorable Kenneth L. Lopp, Judge
Crawford Circuit Court

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NINE

LR62-FL00-8

This rule applies to all parties in all dissolution of marriage, change of custody, visitation, and other domestic relation actions excluding domestic violence and contempt actions, where the interests of children under the age of 18 are involved.

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All parties shall successfully complete the program entitled "Parents are Forever". See Exhibit "A" which describes the seminar and which is attached hereto, incorporated by reference and made a part of this rule.

The seminar shall be successfully completed before the evidentiary hearing in the pending case. Upon a party's failure to successfully complete the seminar pursuant to this rule, the Court may take appropriate action, including but not limited to actions for contempt. (The attorneys shall be responsible for providing their client with a copy of Exhibit "A" which contains the seminar information). The Clerk of this Court will be responsible for attaching a copy of said Exhibit "A" to the service of process issuing from her office. For good cause shown, the Court may waive the requirement of completion of this program in individual cases.

LR62-FL00-9

Deleted: LOCAL RULE TEN

At least five (5) days prior to the date of a final hearing in any contested dissolution proceeding, the parties to said dissolution proceeding shall submit to the Court a Statement of the Case. The Statement of the Case shall include the following:

- A. A brief statement or listing of the contested issues.
- B. A brief statement or listing of any stipulation(s) or agreement(s) by the parties as to any exhibits or relevant issues.
- C. A proposed division of the marital assets and debts (this division should include total net dollar figure that each party will receive).
- D. A listing of factor(s) relevant to the Court's division of marital assets and property.
- E. (if applicable) A statement as to whether the party is alleging the Indiana Parenting Time Guidelines are not applicable, and a brief statement of the reasons such party believes the Guidelines are not applicable.
- F. (if applicable) A proposed Child Support Obligation Worksheet.
- G. (if applicable) A statement of whether or not the party has completed the "Parents are Forever" program.

THE SUBMISSION OF THE FOREGOING IS FOR THE CONVENIENCE OF THE COURT IN SCHEDULING AND CONDUCTING CONTESTED HEARINGS. THE SUBMISSION OF THIS STATEMENT IS NOT INTENDED TO BE A SUBSTITUTE FOR DISCOVERY OR PREPARATION IN CONNECTION WITH THE CONTESTED PROCEEDING. ALL STATEMENTS ARE TO BE FILED WITH THE COURT AND A COPY SERVED ON OPPOSING COUNSEL OR THE OTHER PARTY. THESE STATEMENTS, AND ALL INFORMATION CONTAINED THEREIN, SHOULD BE SUBMITTED WITH A GOOD FAITH FOUNDATION AND WILL BE CONSIDERED BY THE COURT AS A STATEMENT MADE PURSUANT TO RULE 408 OF THE INDIANA RULES OF EVIDENCE.

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LR62-AR00-10

Pursuant to Administrative Rule 15, the Perry Circuit Court hereby adopts the following local rule by which court reporter services shall be governed:

Section One - Definitions

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephone, computer hardware, software programs, disks, tapes, and any other device used for recording, storing and transcribing electronic data.

(3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.

(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services.

(11) County indigent transcript means a transcript that is paid for from county funds and is for the use of or on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use of or on behalf of a litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two - Salaries and Per Page Fees

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours or overtime hours. The court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee for a court reporter for the preparation of a transcript shall be \$4.00 per page. A minimum fee of \$35.00 shall be applicable for any transcript.

(3) Index and table of contents pages will be charged at the same per page rate as other pages for the transcript.

(4) Time spent binding the transcript and exhibit binders shall be computed based upon an hourly rate. Such hourly rate shall be the approximate hourly rate for the court reported based upon the court reporter's annual compensation (i.e. court reporter's annual compensation÷1,280 hours)

(5) In the event any office supplies are required and utilized for the binding and electronic transmission of the transcript, then the actual cost of these supplies will be charged.

(6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three - Private Practice

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into an agreement which must, at the minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

LOCAL RULE NUMBER SIX

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- (a) The reasonable market rate for the use of equipment, work space and supplies;
- (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
- (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

PARENTS ARE FOREVER

WHAT IS IT?

Parents are Forever is a two-hour divorce education program which offers divorcing parents information to assist them in parenting through the divorce and beyond. The program, sponsored by the Spencer County Mental Health Association and Purdue University Cooperative Extension Service, is presented by qualified professionals from these agencies.

WHO SHOULD ATTEND

Divorcing parents of children under 16 years of age who are concerned about the effects of the divorce on the children. Others (grandparents, friends, counselors, attorneys, etc.) may also attend, but approval for guests must be obtained at the time of pre-registration.

ISSUES ADDRESSED:

Change in Family Structure	Harmful Games Parents Play
Effects of Divorce on Children	Post-divorce Parenting
Feelings Involved in the	Ways to Help Children
Divorce Process	Through Divorce
How to Tell the Kids	Children's Reaction to
Affirming Children's	Divorce
Feelings	Visitation Do's & Don'ts
Reassuring Children That They	Blended Families
Are Loved	

LOCATION:

Social Services Office Building, Madison Street, Rockport, Indiana. (Go two blocks south from intersection at Hucks and Dairy Queen (Lincoln), turn right onto Madison, building is on left near end of block.)

DATE & TIME:

6:00 - 8:00 P.M. CST (Spencer County Time)---Second Thursday of every month.

(LR62-FL00-8)

EXHIBIT "A"

Page 1 of 2

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REGISTRATION:

Pre-registration is required at least one day before the session. To register or for further information, call Purdue Cooperative Extension Office at 649-6022. Office hours are 8:00 a.m. to 4:00 p.m., Monday through Friday. If there is no answer, leave name and phone number on the answering machine.

FEE:

\$25.00 per person, cash or money order, payable to the Spencer County Mental Health Association at the beginning of the session (due at beginning of program).

CERTIFICATES:

Certificates will be given at the end of the session to those who attended and paid the registration fee. Names of persons attending will be sent to the Spencer Circuit Court Judge.

NOTE: Due to emotional involvement in most divorce cases, it is recommended that divorcing parents do not attend the program together. If a restraining order is in place, divorcing couples will NOT be allowed to attend together.

(LR62-FL00-8)

EXHIBIT "A"

Page 2 of 2

